

**United States Bankruptcy Court
District of Puerto Rico**

In re HARRY LUIS SANTANA LAMBOY

Debtor(s)

Case No. 14-09530-MCF

Chapter 13

MOTION TO AMEND CHAPTER 13 PLAN DATED 6/26/2015

TO THE HONORABLE COURT:

Comes now the debtor represented by the undersigned attorney and respectfully STATES and PRAYS as follows:

1. The Plan dated June 26, 2015 is being amended to increase plan base.

WHEREFORE, Debtor respectfully request that this Honorable Court take acknowledge of the above stated.

In San Germán, Puerto Rico on June 26, 2015.

/s/ Elbia I. Vázquez Dávila
ELBIA I. VAZQUEZ DAVILA, Esq.

CERTIFICATE OF ELECTRONIC FILING AND SERVICE

I hereby certify that on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the participants of the system and by regular mail to all interested parties as per attached list, and to Debtor to his mailing address in record.

In San Germán, Puerto Rico on June 26, 2015.

/s/ Elbia I. Vázquez Dávila
ELBIA I. VAZQUEZ DAVILA, Esq.
USDC #208810
Calle Principal Núm. 21, Urb. El Retiro
San Germán, Puerto Rico 00667
TEL. 892-0300 FAX: 888-630-4498
Email:evazquezdavila@yahoo.com

CREDITORS MAILING LIST

HARRY LUIS SANTANA LAMBOY
CALLE L 135 BASE RAMEY
AGUADILLA PR 00603

ELBIA I. VAZQUEZ DAVILA
LCDA. ELBIA I. VAZQUEZ DAVILA
CALLE PRINCIPAL NUM. 21
URB. EL RETIRO
SAN GERMAN, PR 00683

INTERNAL REVENUE SERVICE
P.O. BOX 21126
PHILADELPHIA PA 19114-0326

OCWEN LOAN SERVICES
PO BOX 24738
WEST PALM BEACH FL 33416-4738

OCWEN LOAN SERVICING
1661 WORTHINGTON ROAD, SUITE 100
WEST PALM BEACH FL 33409

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE: **HARRY LUIS SANTANA LAMBOY**

BK. CASE # **14-09530**

DEBTOR(S)

CHAPTER 13

CHAPTER 13 PAYMENT PLAN

NOTICE: • The following plan contains provisions which may significantly affect your rights. You should read this document carefully and discuss it with your attorney. When confirmed, the plan will bind the debtor and each creditor to its terms. Objections must be filed in writing with the Court and served upon the debtor(s), debtors' counsel, the Trustee and any other entity designated by the Court, at the 341 meeting of creditors or not less than twenty (20) days prior to the scheduled confirmation hearing. For post confirmation Plan Modifications, objections must be filed and notified in the same manner within twenty (20) days from its notification. • **This plan does not allow claims. Any party entitled to receive disbursements from the Trustee must file a proof of claim. The Trustee will pay the allowed claims, as filed, provided for in the plan, unless disallowed or expressly modified by the Court and / or the terms of the plan. If no claim is filed, the Trustee will not pay a creditor provided for in the plan, unless ordered by the Court. If the Trustee is to make POST-PETITION REGULAR MONTHLY PAYMENTS to any Secured obligation, then a proof of claim must be filed including the following information: account number, address, due date and regular monthly payment. Secured creditor must notify any change in the monthly payment, three (3) months prior to the effective date of new payment. Those post-petition monthly payments will not exceed the life of the plan.** • See the notice of commencement of case for 341 meeting date and claims bar date, the latter is the date by which a proof of claim must be filed in order to participate of the plan distribution.

1. The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall make payments to the Trustee:
☒ directly ☐ by payroll deductions, as hereinafter provided in the PAYMENT PLAN SCHEDULE.
2. The Trustee shall distribute the funds so received as hereinafter provided in the DISBURSEMENT SCHEDULE.
3. The Confirmation Order will not vest property of the Estate on Debtor(s) until the Order discharging Debtor(s) is entered.

PLAN DATED: December 5, 2014

☐ AMENDED PLAN DATED: June 26, 2015

☒ PRE ☐ POST-CONFIRMATION

FILED BY ☒ DEBTOR ☐ TRUSTEE ☐ UNSECURED CREDITOR

I. PAYMENT PLAN SCHEDULE

\$ <u>307.00</u> x <u>2</u> = \$	<u>614.00</u>
\$ <u>350.00</u> x <u>34</u> = \$	<u>11,900.00</u>
\$ <u>476.00</u> x <u>24</u> = \$	<u>11,424.00</u>
\$ <u>0.00</u> x <u>0</u> = \$	<u>0.00</u>
\$ <u>0.00</u> x <u>0</u> = \$	<u>0.00</u>
TOTAL =	\$ <u>23,938.00</u>

Additional Payments:
\$ _____ to be paid as a LUMP SUM
within _____ with proceeds to come from
☐ Sale of property identified as follows:

☐ Other: _____

Periodic Payments to be made other than and in addition to the above. February 2016, 2017, 2018
\$ 2,000.00 x 3 = \$ 6,000.00
To be made on: _____

PROPOSED PLAN BASE: \$ 29,938.00

II. ATTORNEY'S FEES

To be treated as a § 507 Priority, and paid before any other creditor and concurrently with the Trustee's fees, unless otherwise provided:

a. Rule 2016(b) Statement:	\$ <u>3,000.00</u>
b. Fees Paid (Pre-Petition):	(\$ <u>971.00</u>)
c. R 2016 Outstanding balance:	(\$ <u>2,029.00</u>)
d. Post Petition Additional Fees:	\$ _____
e. Total Compensation:	\$ <u>3,000.00</u>

Signed: /s/ HARRY LUIS SANTANA LAMBOY
DEBTOR

JOINT DEBTOR

III. DISBURSEMENT SCHEDULE SEQUENCE

A. SECURED CLAIMS: ☐ Debtor represents that there are no secured claims.

☒ Secured creditors will retain their liens and shall be paid as follows:

☐ **ADEQUATE PROTECTION** Payments: Cr. _____ \$ 0.00
☒ Trustee will pay secured **ARREARS**:
Cr. OCWEN LOAN Cr. _____ Cr. _____
Acct. 2696185 Acct. _____ Acct. _____
\$ 13,285.84 \$ _____ \$ _____

☐ Trustee will pay **REGULAR MONTHLY PAYMENTS**:
(please refer to the above related notice, for important information about this provision)
Cr. _____ Cr. _____ Cr. _____
Acct. _____ Acct. _____ Acct. _____
Monthly Pymt.\$ _____ Monthly Pymt.\$ _____ Monthly Pymt.\$ _____

☐ Trustee will pay **IN FULL** Secured Claims:
Cr. _____ Cr. _____ Cr. _____
\$ _____ \$ _____ \$ _____

☐ Trustee will pay **VALUE OF COLLATERAL**:
Cr. _____ Cr. _____ Cr. _____
\$ _____ \$ _____ \$ _____

☐ Secured Creditor's interest will be insured. **INSURANCE POLICY** will be paid through plan:
Cr. _____ Ins. Co. _____ Premium: \$ _____
(Please indicate in "Other Provisions" the insurance coverage period)

☐ Debtor SURRENDERS COLLATERAL TO Lien Holder:
☒ Debtor will maintain **REGULAR PAYMENTS DIRECTLY** to: **OCWEN LOAN SERVICES**

B. PRIORITIES. The Trustee will pay §507 priorities in accordance with the law [§1322 (a)(2)].

☒ **Internal Revenue Service**

C. UNSECURED PREFERRED: Plan ☐ Classifies ☒ Does not Classify claims

☐ Class A: ☐ Co-debtor Claims: ☐ Pay 100% ☐ "Pay Ahead"
☐ Class B: ☐ Other Class: _____
\$ _____ \$ _____ \$ _____

D. GENERAL UNSECURED NOT PREFERRED: (Case Liquidation Value = _____)

☐ Will be paid 100% plus % Legal Interest. ☒ Will be paid Pro-Rata from any remaining funds

OTHER PROVISIONS:

* For additional other provisions, please see attachment sheet(s).

ATTORNEY FOR DEBTOR: /s/ ELBIA I. VAZQUEZ DAVILA

Phone: (787)892-0300

UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO

IN RE: **HARRY LUIS SANTANA LAMBOY**

BK. CASE # **14-09530**

DEBTOR(S)

CHAPTER 13

Chapter 13 Plan Continuation Sheet

Additional Other Provisions:

Other provisions:

Tax refunds will be devoted each year, as periodic payments, to the plan's funding until plan completion. The tender of such payments shall deem the plan modified by such amount, increasing the base thereby without the need of further notice, hearing or Court order. If need be for the use by debtor of a portion of such refund, debtor shall seek court's authorization prior to any use of funds.

TRUSTEE WILL PAY L.V. AT 4.25% P.V.